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SUBJECT: UNGA/C-6 AD HOC COMMITTEE ON CRIMINAL  
ACCOUNTABILITY OF UN OFFICIALS ON MISSION MET (APRIL  
7-9,11, 2008)

11. (U) Begin Summary: The second session of the Ad Hoc Committee of the General Assembly on criminal accountability of UN officials and experts on mission was held April 7-9,11, 2008, in accordance with paragraph 7 of General Assembly Resolution 62/63 of December 6, 2007. The Ad Hoc Committee considered the subjects of investigations and cooperation between states contained in the August 2006 report of the group of legal experts on ensuring the accountability of UN staff and experts on mission with respect to criminal acts committed during peacekeeping operations (A/60/980). Several states, in their introductory remarks, expressed support, in principle, for a convention requiring Member States to exercise jurisdiction over their nationals participating in UN operations. Some delegations (including USUN) reiterated the view that it was premature to discuss the possibility of negotiating an international convention on the topic. The committee adopted the Chair's report that included two annexes, one of which is an informal working group paper and the other which is a detailed summary of the meeting's discussion. End Summary.

12. (U) Greek Foreign Ministry Legal Adviser, Maria Telalian, chaired the meeting. The agenda, adopted on the first day of the meeting, included a discussion of cooperation among States and between States and the UN in matters concerning criminal accountability of UN officials and experts on mission. Within this discussion the subjects of investigations and evidence collection were addressed. Experts from the UN Office of Legal Affairs (OLA), and the Office of Internal Oversight Services (OIOS) attended one of the sessions and fielded questions on investigations and evidence collection. The representative from OIOS said that his office is tasked with conducting administrative investigations into the misconduct of UN personnel. He also said that in regard to forensics, the methods his office uses would compare to any typical law enforcement agency. Although OIOS has no mandate to conduct criminal investigations, he said that he thought the evidence collected during a UN administrative investigation could be used as a first step for the host state, or country of nationality in their criminal investigations.

13. (U) Telalian was careful not to mention the notion of a convention to fill the legal gap that enables some offenders to escape prosecution. Nevertheless, she prepared a working group (WG) document that contains ideas similar to those contained in the draft convention included in the group of legal experts report. The committee spent considerable time debating the WG document and several delegations proposed amendments. Due to time constraints, the Chair was not able to resolve all the issues and as a result the WG document is contained as an informal working paper annexed to the Chair's report. Consideration of the paper will continue in the context of a working group to be established by the Sixth Committee at its sixty-third session. The report of the committee is also annexed to the Chairman's report and

contains a detailed summary of views presented during the discussions

¶4. (U) The Chairman's report, (A/AC.273/2008/L.1), recommends that; "At the 4th meeting, on 11 April 2008, the Ad Hoc Committee, bearing in mind paragraph 7 of resolution 62/63, reiterated the recommendation that the Sixth Committee, during the sixty-third session of the General Assembly, establish a working group, with a view to continuing the consideration of the report of the Group of Legal Experts (A/60/980) established by the Secretary-General pursuant to resolution 59/300 focusing on its legal aspects, also taking into account the views expressed in the Ad Hoc Committee."

Khalilzad